

## Plastic balloons

May 7 is deadline for comments on **Consumer Product Safety Commission's (CPSC)** proposal to exempt plastic balloons from a "banned hazardous substances" classification. CPSC is reissuing a regulation that has been in effect for some time.

The balloons—or bubbles—are formed by blowing a thick, plastic substance that comes in a tube (like tooth paste), through another tube (like a drinking straw). Children then can bounce the balloons around, but gradually the balloons collapse into a flattened lump that looks like chewed bubblegum on a warm sidewalk.

One of the ingredients in the product, acetone, is a flammable substance as defined in the Federal Hazardous Substances Act (FHSA). In 1967 a manufacturer of the balloons asked **Food & Drug Administration (FDA)** (the agency that administered FHSA at that time) to exempt the balloon substance from classification as a banned hazardous substance. Letter requesting exemption said (1) the balloons would not work properly without acetone & (2) that 150 million units had been sold since 1947 without any claims made for injuries.

Eventually, FDA exempted plastic balloons without a notice of opportunity for public comment. Authority to issue regulations under FHSA was transferred to CPSC, & CPSC reissued the regulations continuing the exemption.

In 1973, Consumers Union asked that plastic balloons be banned because acetone is dangerous & because adequate instructions for children to use the product could not be devised. Hearings were held, comments were received, & CPSC denied Consumers Union's petition.

Because FDA's procedures exempting plastic balloon mixtures containing acetone did not allow opportunity for public comment, CPSC is now providing such an opportunity.

Details—*Federal Register*: April 7, page 14790. Send comments to Secretary, Consumer Product Safety Commission, Washington, DC 20207.

## Chloroform

May 10 is deadline for comments on **Food & Drug Administration's (FDA)** proposal to ban—by July 8—the use of chloroform in drugs (such as cough syrup & liniment), cosmetics (such as toothpaste & mouthwash) & food packaging that comes in contact with food. Chloroform adds a certain tanginess to the mouthwash, toothpaste & cough syrup & causes the "heat" in liniments.

FDA wants to ban all chloroform-containing products that cross state lines because a **National Cancer Institute** report concluded that chloroform causes cancer in test animals. However, because the amount of chloroform used in the products is so small, FDA is not proposing the recall of existing stocks. But FDA is encouraging manufacturers to discontinue using it if they have not already done so. (FDA says there is no evidence that chloroform causes cancer in humans.)

FDA has a list of human drug products known to contain chloroform either as an active or inactive ingredient, & it may be seen during normal office hours in the Office of the Hearing Clerk, Food & Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, MD 20852. Anyone wishing to buy a copy may order it for \$5.80 from Documents Records Center at the above address.

Since **Environmental Protection Agency (EPA)** & **Occupational Safety & Health Administration (OSHA)** have responsibility for chloroform in the environment, FDA has coordinated these proposals with those agencies.

FDA has considered the economic impact of these proposals & has concluded there is no major inflation impact.

Details—*Federal Register*: April 9, page 15026. Send comments to Hearing Clerk, Food & Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

## Employment of handicapped (continued)

**Labor Dept.** has amended its regulations requiring government contractors to take "affirmative action" in hiring qualified handicapped persons. Regulations implement the amended Rehabilitation Act that will become effective May 17.

Purpose of the revised regulations is to improve administration & enforcement of the law & to make contractors' obligations more specific. Labor Dept. estimates there are 12 million Americans who are considered handicapped to some extent, & of those, about 6.5 million are considered employable.

Highlights of the amendments are:

- All information obtained from medical examinations & pre-employment inquiries into the applicant's physical or mental condition must be used in accordance with job-related standards. For example, an applicant who is unable to walk could not automatically be disqualified from filling a typing job.
- Applicants or employees filing complaints under the law will no longer have to be certified as handicapped. A signed statement of impairment might be all that is required. This amendment is intended to protect the privacy of the individual.
- "Handicapped" is now defined as "any impairment which substantially limits one or more of a person's major life activities."

Details—*Federal Register*: April 16, page 16147; Aug. 29, 1975, page 39887; June 11, 1974, page 20566. CONSUMER REGISTER: Sept. 1, 1974.

## Fuel economy

All 1976 model year cars manufactured in, or imported into, the US after March 20 are required to carry labels telling about fuel economy. This requirement implements the Energy Policy & Conservation Act of 1975. Not included in the requirement are 1976 model year cars manufactured before March 20 although many of them are labeled voluntarily by manufacturers. [CONSUMER REGISTER: July 15, 1975].

**Environmental Protection Agency (EPA)** & **Federal Energy Administration (FEA)** sponsored a program that included the miles per gallon voluntary labeling (in the form of window stickers) on cars as soon as possible after fuel economy values had been given to manufacturers by EPA. These labels gave fuel economy for both city & highway driving. EPA said that manufacturers representing over 95% of the cars made in 1975 had agreed to label their cars & light trucks—and for them the new mandatory rules "add no new burden whatsoever." (Although most manufacturers complied with the labeling program, many dealers did not—and one of the problems of the voluntary program was that some dealers removed the labels from the less energy-efficient cars.)

The 1977 model year cars will also have to carry labels. EPA will soon propose a rule on how the labeling will be done. Last month, EPA had a meeting with various consumer groups—and prior to last month had obtained comments from industry on implementing the fuel economy labeling regulations.

Details—*Federal Register*: March 19, page 11506; June 20, 1975, page 26058. CONSUMER NEWS: Feb. 1. CONSUMER REGISTER: July 15, 1975.

## Overbooking

June 10 is deadline for comments on **Civil Aeronautics Board's** (CAB) request for comments on its advance notice of proposed rulemaking on overbooking & oversales of plane seats.

CAB has asked airlines to give it information on the extent they deliberately overbook flights—and why. CAB will use this information in determining if existing regulations should be changed. CAB said that in fiscal year 1975, 102,000 passengers were denied confirmed space compared with 170.79 million passengers who did fly.

CAB would like comments on some of the following questions:

- Is overbooking an unfair or deceptive trade practice? If so, what can airlines do to cope with problems of reservations turnover & no-shows? What about guaranteed reservations or offering conditional reservations to passengers who want space on fully-booked flights?
- What could & should be done to deal with the causes of oversales other than overbooking?

Present regulations state that passengers eligible for denied boarding compensation be reimbursed for the full value of the first remaining flight coupon on their ticket—up to a maximum of \$200 but not less than \$25. Passengers are usually eligible for such reimbursement if suitable alternative transportation cannot be arranged so the passenger arrives at his destination within 2 hours of the original flight (4 hours for foreign travel).

Details—*Federal Register*: April 19, page 16578. Send comments to Docket Section, Civil Aeronautics Board, Washington, DC 20428.

Note: CAB has published a report, *Passengers Denied Confirmed Space—Fiscal Years 1975 & 1974*. It costs 50¢ & is available by writing to CAB Publications Services Section, 1825 Connecticut Ave. NW, Washington, DC 20428. Free copies of *Air Travelers Fly-Rights* are available by writing to the address listed above.

## Antacids

June 11 is deadline for comments on **Federal Trade Commission's** (FTC) proposal to require the same kind of warnings in advertising that **Food & Drug Administration** (FDA) requires in labeling over-the-counter (OTC)—or non-prescription—antacids. FDA has required warning labels on antacids for almost a year.

FTC says it has reason to believe that (1) many consumers do not read FDA's warning labels but depend more on advertising to get the information they need & (2) that consumer knowledge of particular adverse effects of OTC drugs is low. In addition, even though some consumers may have read labels in the past, many of the warning labels on antacids contain new information that is not noticed by many regular users.

FTC is interested in hearing from consumers & others on matters such as:

- Is there a need for requiring the same warning information in advertising as is required on labeling?

- Would warnings in advertising increase consumer awareness & knowledge?

- Would warnings in advertising affect the ability of advertisers to communicate the therapeutic effects of the advertised product—for example, a TV commercial might have to say: "It's great medicine . . . take only as directed. Read label carefully. May be hazardous for persons with certain conditions."

- Would warnings such as the following be appropriate? 1. "May cause constipation." 2. "May have laxative effect." 3. "If you have kidney disease, ask your doctor before using." 4. "If allergic to milk, ask your doctor before using this product." 5. "Read label for additional warnings."

Details—*Federal Register*: April 6, page 14534. Send comments to Special Assistant Director for Rulemaking, Federal Trade Commission, Washington, DC 20580. Identify comments as "Proposal Identifying Issues of Fact—Antacid Rulemaking."

## Televised drug ads

**Federal Communications Commission** (FCC) & **Federal Trade Commission** (FTC) have established panels of experts to try to find out what impact—if any—televised over-the-counter (OTC) drug ads have on children & adults.

Panelists—experts in education, pediatrics, sociology, psychiatry, health research, broadcasting & consumer concerns—will discuss the following topics on May 20 & 21. Consumers & others may attend these meetings as observers.

Panel A—Misuse of OTC drugs by young children. (FCC Commission meeting room, 1919 M St. NW, Washington, DC 20554: 9 a.m. to 12 noon, May 20.)

Panel B—Illicit use of restricted drugs (such as heroin) by grade school children, adolescents & adults—as a result of watching OTC drug ads on TV. (Same place as above; 2 p.m. to 5 p.m., May 21.)

Panel C—Research needs & actions that broadcasters, advertisers, manufacturers, Congress, government, schools & consumers could take if any action is necessary to curb misuse & abuse of drugs. (Same place as above; 9 a.m. to 12 noon, May 21.)

After each panel discussion, representatives from FCC, FTC, **National Science Foundation** (NSF), **Food & Drug Administration** (FDA), & other Federal agencies will question the panelists.

In addition to the panels, all other persons with experience or interest in the issues to be discussed may send in papers, research or other material by July 21 to Dr. Karen S. Hartenberger, Director of Federal Communications Commission's Children's Television Task Force, 1919 M St. NW, Washington, DC 20554.

(FCC regulates the number of commercial minutes & frequency of messages on TV, & FTC regulates advertising content of TV commercials to make sure the ads are not false or deceptive.)

Details—*Federal Register*: March 31, page 13661.

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## For you

These forms are for you to use, if you wish, in commenting on any Federal Agency proposal summarized in CONSUMER REGISTER. Of course, if you cannot get your comments on the front & back of a form, feel free to continue your comments on additional paper.

Send comment forms to addresses listed in the summaries.

CONSUMER NEWS is publishing these forms in cooperation with **Food & Drug Administration (FDA)**.

## Rate Register

### Phones

• CONSUMER NEWS is reminding consumers that Memorial Day, May 31, is not a holiday to the phone company, at least as far as holiday long distance rates are concerned. Phone companies extend weekend rates only to New Year's Day, Independence Day, Labor Day, Thanksgiving & Christmas. If any of these holidays occurs on a Saturday or Sunday, regular weekend rates apply. Other than the 5 "phone holidays," Monday holidays such as Washington's Birthday holiday, Memorial Day, Columbus Day & Veterans Day are treated like any other Monday—with regular full rates being charged.

### Mail

• **Postal Rate Commission (PRC)** has recommended to the Governors of the **Postal Service (PS)** that certain changes in mail classification be made as a first step toward basic mail classification reform. Major recommendations are:

1. Standardizing first class, air-mail & some third class letter envelope size by charging extra for oversize envelopes & banning completely undersized envelopes. (These regulations would go into effect in 2 years, to give envelope makers time to comply.) An envelope larger than 15.5 cm (6.125 inches) high & 29 cm (11.5 inches) long or .6 cm (¼ inch) thick is non-standard. These envelopes are at least visible & can be culled from the machines by hand, but a charge would be imposed for handling them. Small envelopes, on the other hand—those less than 9 cm (3.5 inches) high & 12.7 cm (5 inches) long, such as invitations, are hard to see & would be banned completely be-

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Clip this form, fill in blanks, write your comments & mail to agency noted in CONSUMER REGISTER item.

This is my opinion on (title of item in CONSUMER REGISTER) \_\_\_\_\_

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## Rate Register

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cause they jam machines & slow down the sorting operation.

2. Giving discounts for large quantities of first class & airmail items that are presorted by the mailer. Purpose would be to encourage mailers to use PS instead of some other mailing service—because mailers are now required to presort by zip code, tie & bag—and PRC thinks mailers should be rewarded for doing work that results in savings for PS. Such mail could be sent for a penny less than the regular rate.

3. Recommending a new bulk-rate parcel post class to simplify postage calculation.

4. Reclassifying special 4th class mail into single-piece and bulk-rate categories.

5. Redefining & expanding 4th class catalog subclass to include some other kinds of printed matter (such as phonograph records).

• Beginning April 18, **Postal Service** (PS) increased by about a third, the fees for special delivery, registered mail, insurance & other services. These fees are temporary. They were scheduled to go up much higher on Jan. 3—on a permanent base [RATE REGISTER: Dec. 15, 1975]—but because of legal problems, they were not put into effect.

Some examples of the old & new fees are:

Category	April 18 1976, "temporary"	
	Old fee	fee
1st class special delivery—up to 1 kilogram (2 lbs.)*	60¢	80¢
Registered mail (up to \$100)*	95¢	\$1.25
Certified mail*	30¢	40¢
COD		
Liability limit \$10	70¢	85¢
Money orders (up to \$10)	25¢	30¢

\*Fees in addition to required postage.

